

Message

From: Minter, Douglas [Minter.Douglas@epa.gov]
Sent: 9/22/2020 10:30:42 PM
To: Bahrman, Sarah [Bahrman.Sarah@epa.gov]
Subject: RE: My thoughts on Paul's previous email: ~ Attorney-Client Privilege ~ Deliberative ~ Pre-Decisional ~

Just talked to Darcy. She will defer to me on the (vague) timing during the call in a few minutes. I told her we could be more specific with her about the timing of final permit issuance next month after we briefed you on Friday.

From: Bahrman, Sarah <Bahrman.Sarah@epa.gov>
Sent: Tuesday, September 22, 2020 4:11 PM
To: Minter, Douglas <Minter.Douglas@epa.gov>
Subject: RE: My thoughts on Paul's previous email: ~ Attorney-Client Privilege ~ Deliberative ~ Pre-Decisional ~

Hi Douglas –

Please do call Darcy. I think she should be aware of what ORC is saying in terms of timing.

I admit I am confused about what is taking so long, and when ORC is saying they can be done.

Thanks

Sarah E. Bahrman | Chief, Safe Drinking Water Branch | U.S. Environmental Protection Agency - Region 8
(p) 303.312.6243 | (c) 303.903.8515 | (f) 877.876.9101

From: Minter, Douglas <Minter.Douglas@epa.gov>
Sent: Tuesday, September 22, 2020 3:59 PM
To: Bahrman, Sarah <Bahrman.Sarah@epa.gov>
Subject: FW: My thoughts on Paul's previous email: ~ Attorney-Client Privilege ~ Deliberative ~ Pre-Decisional ~
Importance: High

Hi Sarah: I thought I should share this email train with you. I know that Darcy, Valois, and I will also be talking with John and Blake at 4:30 pm today on the status of these permits.

I may try to give you a call soon to discern whether we need to bring this to Darcy's attention before this call.

Thanks,

Douglas

From: Minter, Douglas
Sent: Tuesday, September 22, 2020 3:55 PM
To: Chin, Lucita <Chin.Lucita@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>
Cc: Volk, Everett <volk.everett@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>
Subject: RE: My thoughts on Paul's previous email: ~ Attorney-Client Privilege ~ Deliberative ~ Pre-Decisional ~

Through another recent exercise setting expectations for when certain UIC permits will be issued in FY 21, Sarah and I have begun to talk about what a realistic timeframe looks like for DB. In order for us/Sarah to be clear with Darcy about the actual LOE that remains, it is important that we continue to provide our best feedback to Sarah when we convene another DB Team meeting this Friday at 11 am.

Lucita: I know you won't be able to attend so I'm hoping between the rest of us, we can be specific/clear on what remains to be done including those tasks where we don't have complete control of the timing (e.g., coordination with NRC on the NHPA PA and any follow up from tribal consultation including the results from the 10/2/20 meeting with OST).

I will be out of the office after today until Friday, but I plan to follow up with Sarah before the end of today.

Douglas

From: Chin, Lucita <Chin.Lucita@epa.gov>
Sent: Tuesday, September 22, 2020 3:21 PM
To: Minter, Douglas <Minter.Douglas@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>
Cc: Volk, Everett <volk.everett@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>
Subject: FW: My thoughts on Paul's previous email: ~ Attorney-Client Privilege ~ Deliberative ~ Pre-Decisional ~

Ex. 5 AC/DP

Lucita Chin
Senior Assistant Regional Counsel | Office of Regional Counsel | Media Law Counseling Section
Environmental Protection Agency Region 8 | 1595 Wynkoop St. | Mail Code: 8ORC-LC-M | Denver, CO 80202
Office: (303) 312-7832

From: O'Connor, Darcy <doconnor.darcy@epa.gov>
Sent: Tuesday, September 22, 2020 3:12 PM
To: Robinson, Valois <Robinson.Valois@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>
Cc: Garcia, Bert <Garcia.Bert@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>
Subject: RE: My thoughts on Paul's previous email: ~ Attorney-Client Privilege ~ Deliberative ~ Pre-Decisional ~

Ex. 5 Deliberative Process (DP)

From: Robinson, Valois <Robinson.Valois@epa.gov>
Sent: Tuesday, September 22, 2020 2:41 PM
To: Logan, Paul <Logan.Paul@epa.gov>

Cc: O'Connor, Darcy <ococonnor.darcy@epa.gov>; Garcia, Bert <Garcia.Bert@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>

Subject: RE: My thoughts on Paul's previous email: ~ Attorney-Client Privilege ~ Deliberative ~ Pre-Decisional ~

Here are my thoughts for moving forward with the staff level meeting tomorrow:

Ex. 5 AC/DP

During our meeting tomorrow, I was going to find out where the Tribe is in this sequence of events from the OST Consultation Ordinance 11-10:

d. It shall be the duty of the Tribal Secretary to immediately notify all members of the Executive Committee and Tribal Council of each request for consultation; (this has happened)

e. Upon receipt of a request for consultation, the Tribal President, or council members under established procedures, shall call a special council meeting for the purpose of responding to the request for consultation.

The Tribal Council shall:

- (i) Request by resolution meeting, initiating government consultations; a policy-level government-to-government consultations;
- (ii) Authorize the Tribe's technical staff (and when appropriate the Tribe's attorneys) to meet with the responding government's technical staff to discern and define the issues that are subject to the request for consultation including how the proposed governmental undertaking or activity affects the tribe's aboriginal, treaty, statutory or other interests; (I hope they have completed this step & Tribal Council has issued this approval)
- (iii) Schedule a special council meeting in which the Tribe's technical staff (and when appropriate the Tribe's attorneys) can fully brief the Tribal council on the issues that are subject to consultation, with recommendations and opinions; (I hope this will happen before Oct 2)
- (iv) Schedule a follow-up special council meeting in which the Tribe through the Tribal council shall engage in formal government-to-government consultation based on the recommendations and opinions of its staff (and attorneys); and (this would be the gov't-to-gov't consultation meeting & why I was pushing for the Tech meetings to occur before Oct 2)
- (v) Pass a resolution fully articulating the Tribe's formal decision, which decision shall be consistent with the provisions of this ordinance.

We will see what comes out of the meeting tomorrow. I will report out on that.

Thanks!

Valois

Valois Robinson
EPA Region 8
Underground Injection Control Program
MailCode: 8WD-SDU
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Denver, CO 80202-1129
(303) 312-6276
robinson.valois@epa.gov

-----Original Message-----

From: Logan, Paul <Logan.Paul@epa.gov>

Sent: Tuesday, September 22, 2020 2:16 PM

To: Robinson, Valois <Robinson.Valois@epa.gov>

Cc: O'Connor, Darcy <ococonnor.darcy@epa.gov>; Garcia, Bert <Garcia.Bert@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>

Subject: FW: RE: Letter from EPA in response to Aug 21 letter requesting joint consultation with BLM - OST proposed agenda for Oct 2 consultation meeting

Thanks Valois for the heads up. I'm copying Lucita for her awareness as well.

Ex. 5 AC/DP

Paul Logan

Senior Assistant Regional Counsel | EPA Region 8, Office of Regional Counsel

303.312.6854 | logan.paul@epa.gov

-----Original Message-----

From: Robinson, Valois <Robinson.Valois@epa.gov>

Sent: Tuesday, September 22, 2020 11:29 AM

To: O'Connor, Darcy <oconnor.darcy@epa.gov>; Garcia, Bert <Garcia.Bert@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>

Subject: FW: RE: Letter from EPA in response to Aug 21 letter requesting joint consultation with BLM - OST proposed agenda for Oct 2 consultation meeting

Hello,

Just wanted to let you know I think our letter brought a positive response! I really appreciate everyone's efforts in helping me getting it out early in the day last Friday.

I am scheduled to attend a staff level call with the OST tomorrow to discuss the logistics of the Oct 2 consultation meeting. Mr. Red Cloud provided the attached agenda for the Oct 2 consultation meeting.

Valois

Valois Robinson

EPA Region 8

Underground Injection Control Program

MailCode: 8WD-SDU

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robinson.valois@epa.gov

-----Original Message-----

From: ostnrrawrd@gwtc.net <ostnrrawrd@gwtc.net>

Sent: Tuesday, September 22, 2020 11:14 AM

To: Robinson, Valois <Robinson.Valois@epa.gov>; Jeffrey C. Parsons <wmap@igc.org>; 'Travis Stills' <stills@frontier.net>; 'Hannan LaGarry' <hlagarry@gmail.com>; 'Mario Gonzalez' <gznzlaw@aol.com>; Rickbell1206

<rickbell1206@gmail.com>; J spottedbear <j.spottedbear@oglala.org>; T brings <t.brings@oglala.org>; 'Chancy Wilson' <wilsonrodeo@goldenwest.net>; Tom pb <tom.pb@oglala.org>; President bearrunner <president.bearrunner@oglala.org>; Harold <harold@oglala.org>; D ross <d.ross@oglala.org>; Lisa Cummings <LisaC@oglala.org>
Subject: Fwd: RE: Letter from EPA in response to Aug 21 letter requesting joint consultation with BLM

Greetings, All:

We are scheduled for our 'OST and EPA/BLM' conference call tomorrow at 1:00 pm., to discuss the logistics of the joint consultation and the Oglala Sioux Tribe 'Ordinance # 11-10' protocol.

The conference call number: 1- **Ex. 6 Personal Privacy (PP)**

Any questions, please get back with me.

Reno L. Red Cloud Sr.
OST Water Resources Department / Administrator
1-605-867-5624
Cell: 1-605-454-3918
E-mail: ostnrrawrd@gwtc.net

----- Original Message -----

Subject: RE: Letter from EPA in response to Aug 21 letter requesting joint consultation with BLM

Date: 2020-09-19 10:06

From: "Jeffrey C. Parsons" <wmap@igc.org>

To: <ostnrrawrd@gwtc.net>, "Travis Stills" <stills@frontier.net>, "Mario Gonzalez" <gnzlaw@aol.com>, "T brings" <t.brings@oglala.org>, "J spottedbear" <j.spottedbear@oglala.org>, "Lisa Cummings" <LisaC@oglala.org>, "Hannan LaGarry" <hlagarry@gmail.com>, <rickbell1206@gmail.com>, "D ross" <d.ross@oglala.org>, "Harold" <harold@oglala.org>, "President bearrunner" <president.bearrunner@oglala.org>

Cc: <rdzephier@hotmail.com>, "Barbara Yellow Hair" <Barbara@oglala.org>

Good morning Reno - attached is a first draft starting point of a potential agenda for the Oct 2 meeting. Please make any changes. I wholeheartedly agree that the technical meetings must be extended beyond Oct 2 given the number and complexity of the issues.

Jeffrey C. Parsons
Senior Attorney
Western Mining Action Project
P.O. Box 349
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(303) 823-5738

-----Original Message-----

From: ostnrrawrd@gwtc.net <ostnrrawrd@gwtc.net>

Sent: Friday, September 18, 2020 2:40 PM

To: Jeffrey C. Parsons <wmap@igc.org>; 'Travis Stills'

<stills@frontier.net>; 'Mario Gonzalez' <gnzlaw@aol.com>; T brings <t.brings@oglala.org>; J spottedbear <j.spottedbear@oglala.org>; Lisa Cummings <LisaC@oglala.org>; 'Hannan LaGarry' <hlagarry@gmail.com>; rickbell1206@gmail.com; D ross <d.ross@oglala.org>; Harold <harold@oglala.org>; President bearrunner <president.bearrunner@oglala.org>
Cc: rdzephier@hotmail.com; 'Barbara Yellow Hair' <Barbara@oglala.org>
Subject: Fwd: Letter from EPA in response to Aug 21 letter requesting joint consultation with BLM

Greetings, Everyone:

this just came in this afternoon, from the EPA. It looks like their trying to fast track the government to government 'consultation' process and have everything on October 2, 2020 and wanting us to have the technical meetings (asap). Their even counting the (Zoom Call) on August 28, 2020 as the start to the consultation process. We still have our conference call on Wednesday, September 23, 2020 at 1:00 pm and hopefully they (EPA/BLM) participate.

I'll

need to bring this up on the Monday's OST Land Committee meeting. and let the OST Legal Department know too. We need to follow the Ordinance #

11-10

(fully) to have meaningful government to government consultation, plus we have vital issues needing a discussion and recommendation's from the Tribe to the federal agencies.(Cultural Surveys, Water Science and Protections, Treaty Laws etc.) I'll keep you updated.

Reno Red Cloud Sr.

OST Water Resources Department / Administrator

----- Original Message -----

Subject: Letter from EPA in response to Aug 21 letter requesting joint consultation with BLM

Date: 2020-09-18 13:56

From: "Robinson, Valois" <Robinson.Valois@epa.gov>

To: "president.bearrunner@oglala.org" <president.bearrunner@oglala.org>

Cc: "j.spottedbear@oglala.org" <j.spottedbear@oglala.org>, "ostnrrawrd@gwtc.net" <ostnrrawrd@gwtc.net>, "wilsonrodeo@goldenwest.net"

<wilsonrodeo@goldenwest.net>, "Barbara@oglala.org" <Barbara@oglala.org>, Mario Gonzalez <gnzlaw@aol.com>,

"Russel D. Zephier"

<Rdzephier@hotmail.com>

President Bear Runner,

Please find attached EPA's letter responding to your August 21, 2020 letter requesting joint consultation with BLM. EPA welcomes the opportunity for joint consultation with the Oglala Sioux Tribe and BLM.

As stated in the letter, EPA emphasizes the importance of adhering to the schedule for holding the EPA - BLM joint tribal consultation meeting with the Tribe on October 2, 2020.

In addition, EPA is available to hold the technical meetings requested by the Tribe before the October 2, 2020 tribal consultation meeting, and urges the Tribe to hold those meetings to gather technical information to share with the Oglala Sioux Tribal Council in advance of the October 2, 2020, tribal consultation meeting.

Thank you for your consideration of the requests in the attached letter.

Valois Robinson

Valois Robinson

EPA Region 8

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